IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.12912 of 2006
DATE OF DECISION: October 10, 2006

Roshan Lal

….Petitioner

VERSUS

State of Haryana and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S.BHALLA

PRESENT: Shri G.S.Sandhawalia, Advocate for the petitioner.
Shri Ajai Gulati, AAG, Haryana for the respondents.

Viney Mittal,J.(Oral).

The petitioner has challenged the order dated May 19,2006 (Annexure P.5) passed by the District Food & Supplies Controller, Yamunanagar as well as the appellate order dated July 25, 2006 (Annexure P.9) passed by the Deputy Commissioner, Yamunanagar. Vide the aforesaid orders, the supply to the ration depot of the petitioner had been suspended.

Although various pleas have been raised in the present petition challenging the aforesaid two orders and the competent authority as well as the appellate authority have also made certain observations while suspending the supply to the ration depot of the petitioner, one of the primary grievance raised by the petitioner is that the aforesaid order (Annexure P.5) had been passed by the competent authority without ever affording an opportunity of hearing to the petitioner and without ever serving show cause notice in this regard. In the written statement filed on behalf of the respondents, the stand taken by them is that before taking any action against the ration

depot holder, no notice was required under the provisions of the Act/Rules.

After hearing the learned counsel for the parties and taking into consideration the respective pleas taken by them, but without commenting on the merits of the controversy at all, we find that since the action taken by the competent authority, respondent No.3 has resulted in suspension of the supplies to the ration depot run by the petitioner, therefore, the said order has resulted into adverse civil consequences against the petitioner. In these circumstances, before taking the action, the petitioner should have been granted an opportunity in the matter to explain his position.

Consequently, we allow the present petition and quash the orders dated May 19,2006 (Annexure P.5) and July 25, 2006 (Annexure P.9) passed by the respondents.

However, the respondents would be at liberty to initiate fresh proceedings, if so desired, against the petitioner in accordance with law, by issuing a show cause notice to the petitioner at the first instance. Thereafter, it would be open to the respondents to take any further action after taking into consideration the explanation furnished by the petitioner.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

October 10, 2006
KD

(H.S. Bhalla)
Judge